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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,297	05/03/2001	Bill Cotton	T8465046US1	5433

7590 06/04/2003
Gowling Lafleur Henderson LLP
Attn: Arne I. Fors
Commerce Court West
Suite 4900
Toronto, ON M5L 1J3
CANADA

EXAMINER

ORTIZ, ANGELA Y

ART UNIT	PAPER NUMBER
----------	--------------

1732

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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Office Action Summary

Application No.

09/847,297

Applicant(s)

COTTON ET AL.

Examiner

Angela Ortiz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 25 September 2001 is: a) ☐ approved b) ☒ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7. 6) ☐ Other: _____

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DETAILED ACTION

Drawings

The corrected or substitute drawings filed on 05 October 2001 are accepted by the Examiner. These drawings appear to be copies of the original drawings and are response to a Notice to file Missing Parts.

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 25 September 2001 have been disapproved by the Examiner. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

The proposed drawing correction filed on 25 September 2001 has been disapproved because it is not in the form of a pen-and-ink sketch showing changes in red ink or with the changes otherwise highlighted. See MPEP § 608.02(v).

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The title should be limited to the method as claimed.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Specht, USP 5,676,894.

The cited reference teaches the claimed process of molding a frame around the periphery of a plastic mesh substrate. The detailed process steps include providing a flat, grid or panel formed plastic sheet of material, in a mesh shape, within the cavity of a mold. The mold comprises an upper and lower mold part, both provided with a concavity bordered by a raised profile that engage or "pinch" the mesh substrate to align the substrate within the mold cavity. The raised profile also acts as a barrier to the flow of injected plastic material, which material forms a frame around the mesh substrate. Note that the mesh substrate is preferably polypropylene and the frame is thermoplastic resin, readable on the claimed thermoplastic vulcanizate. Also note that the mesh substrate is tensioned and is not slack. See col. 5, lines 50-65; col. 6, lines 1-15, 25-68; col. 7, lines 1-15, 55-65; col. 8, line 5-35.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 8 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Specht, USP 5,676,894.

The cited reference teaches the claimed process of molding a frame around the periphery of a plastic mesh substrate. The detailed process steps include providing a flat, grid or panel formed plastic sheet of material, in a mesh shape, within the cavity of a mold. The mold comprises an upper and lower mold part, both provided with a concavity bordered by a raised profile that engage or "pinch" the mesh substrate to align the substrate within the mold cavity. The raised profile also acts as a barrier to the flow of injected plastic material, which material forms a frame around the mesh substrate. Note that the mesh substrate is preferably polypropylene and the frame is thermoplastic resin, readable on the claimed thermoplastic vulcanizate. Also note that the mesh

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substrate is tensioned and is not slack. See col. 5, lines 50-65; col. 6, lines 1-15, 25-68; col. 7, lines 1-15, 55-65; col. 8, lines 5-35.

With respect to the claimed pins, note that the reference teaches a locator means provided within the interior of the mold cavity, from one of the mold parts, that further comprises four locator fingers that engage the mesh substrate. Note that the fingers engage the substrate and serve to "suspend" the substrate within the mold cavity as claimed. These locator fingers are deemed inherently pins, but in the alternative, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the claimed pins as an obvious and equivalent alternative to the disclosed locator means, as they equivalently engage and position the mesh substrate between the mold parts. See col. 7, lines 18-40.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USP's 4792425; 3875280; 2609570; 5766472; 4881313; 5417906; 4673613; 5891337; 5688460.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela Ortiz whose telephone number is 703-308-4446. The examiner can normally be reached on Monday-Thursday 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 703-308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703-

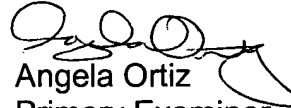
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872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Angela Ortiz
Primary Examiner
Art Unit 1732

ao
March 10, 2003